UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS

UNITED	STATES OF	AMERICA,)	CRIM.	NO.	04-30046-MAP
	vs.)			
ALBERT	INNARELLI,	ET AL.,)			
		Defendants.) _)			

PARTIES' JOINT MEMORANDUM PURSUANT TO LOCAL RULE 116.5(A)

The United States of America, by and through Michael J.

Sullivan, United States Attorney for the District of

Massachusetts, and William M. Welch II, Assistant United States

Attorney, hereby files this joint memorandum pursuant to Local

Rule 116.5(A) and the Magistrate Judge's Scheduling Order.

- 1. The parties agree that relief should be granted from the otherwise applicable timing requirements imposed by Local Rule 116.3. This case has been designated a complex case. In addition, defense counsel for those original defendants with new charges have been requesting discovery of additional loan files, which have been delivered to the designated copy center for copying.
- 2. Some of the defendants have requested discovery under Rule $16\left(a\right)\left(1\right)\left(E\right)$.
- 3. Other than the loan files and related documents for the new counts in the Superseding Indictment, the parties do not

expect to provide any additional discovery in the future.

- 4. The parties agree that a motion date should be set under FRCP 12(c) at this time.
- 5. Attorneys Bongiorni and Kelly formerly represented individuals that most likely will be called as witnesses by the Government in this case. Therefore, there may be conflicts of interest that the court may need to address.
- Excludable delay should be ordered under 18 U.S.C. § 3161(h)(8)(A) and Local Rule 112.2(A)(1), (2), and (3) from the last date of the arraignments upon the Superseding Indictment, which occurred on October 5, 2005, to the present. Given this case's designation as a complex case, no time has run on the Speedy Trial Clock.
- 7. The parties believe at this point that a trial should be anticipated. At this time, the Government would estimate a trial of two months.
- 8. A final Status Conference has been set for January 18, 2006.

Filed this ___7_th day of December, 2005.

Respectfully submitted,

MICHAEL J. SULLIVAN United States Attorney

WILLIAM M. WELCH II

Assistant United States Attorney

For defendant Albert Innarelli

MOIRA L. BUCKLEY, ESQ.

Counsel for defendant Innarelli

For defendant Michael Bergdoll

Counsel for defendant Bergdoll

For defendant Anthony Matos:

VINCENT BONGIORNI, ESO.

Counsel for defendant Matos

For defendant Pasquale Romeo

Counsel for defendant Romes

For defendant Theodore Jarrett

IA DURANT, ESO.

Counsel for defendant Jarrett Justin O'BRITH

For defendant Mark McCarthy

ROBERT SANTANTELLO, ESO.

Counsel for defendant McCarthy

For defendant James Smith

CLAIR, ESQ.

Counsel for defendant Smith

For defendant Jonathan Frederick

Counsel for defendant Frederick

For defendant Joseph Sullivan

DANTEL KELLY, ESQ.

Counsel for defendant Sullivan

CERTIFICATE OF SERVICE

Hampden, ss.

Springfield, Massachusetts December 7, 2005

I, William M. Welch, Assistant U.S. Attorney, do hereby certify that I have served a copy of the foregoing by faxing said motion to:

Moira L. Buckley, Esq. Shipman & Goodwin One Constitutional Plaza Hartford, CT 06103-1919

Steven W. Leary, Esq. 95 State Street Springfield, MA 01103

Vincent A. Bongiorni, Esq. 95 State Street Springfield, MA 01103

Michael O. Jennings, Esq. 73 Chestnut Street Springfield, MA 01105

Maria Durant, Esq. Dwyer & Collora 600 Atlantic Avenue Boston, MA 02210

Robert Santaniello, Jr., Esq. Santaniello & Santaniello 83 State Street Springfield, MA 01103

Jack St. Clair, Esq. 73 Chestnut Street Springfield, MA 01103

Mark J. Albano, Esq. Dalsey, Ferrara & Albano 73 State Street Springfield, MA 01103

Daniel D. Kelly, Esq.
Robinson, Donovan, Madden &
Barry
1500 Main Street
P.O. Box 15609
Springfield, MA 01103

WILLIAM M. WELCH II

Assistant United States Attorney